IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WP(C).No. 17470 of 2007(D)

PETITIONER:

SUBHAMOLE L.,
AMBIKA SADANAM, CHERUVAKKAL P.O.,
AYOOR, KOTTARAKKARA, PIN-691 533.

BY ADV. SRI.E.D.GEORGE

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, SOCIAL WELFARE
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF EDUCATION,KOLLAM.

BY GOVT.PLEADER SRI.A.J.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. Basheer, J.

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W.P(C) No.17470 of 2007

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Dated this the 7th day of June, 2007.

J U D G M E N T

Petitioner claims that she is a physically handicapped person. Her physical disability has been estimated at 40%. She is a Post Graduate in Mathematics with B.Ed as an additional qualification. It is the case of the petitioner that she had worked as a High School Assistant (Maths.) in Govt. High School, Kadakkal on a provisional basis under Rule 9(a)(i) of the KS & SSR for more than 179 days from June 28, 1999 till March 31, 2000. Petitioner claims the benefit of Exts.P6, P7 and P8 notifications issued by the Government. It is contended by the petitioner that she is entitled to be reinstated and her service has to be regularised by virtue of Exts.P6 to P9.

2. Learned counsel invites my attention to Ext.P10 judgment in W.A.No.1601/2006 rendered by a Division Bench of this Court in this connection. Learned counsel further submits that petitioner will be satisfied if an appropriate direction is issued to respondent No.1 to take a decision Ext.P11 representation submitted by the petitioner highlighting all the relevant aspects of the issue and requesting the Government to reinstate her in service as High School Assistant.

3. In the above facts and circumstances the writ petition is disposed of with a direction to respondent No.1 to consider and pass orders on Ext.P11 strictly on its merit and accordance with law, as expeditiously as possible, at any rate within four months from the date of receipt of a copy of this judgment. While taking a decision, the Government shall keep in view Exts.P6, P9 Govt. orders as well

as Ext.P10 judgment of this Court. Needless to mention that the petitioner shall be afforded sufficient opportunity to be heard before any orders are passed.

Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before the respondent for compliance.

A.K. Basheer
Judge.

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